

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JAUIER RICO-TORRES CASE No. 2:22-CV-01869-APG-BNW

PLAINTIFF

VS

MOTION FOR RECONSIDERATION

DARCY CAMERON ETAL

DEFENDANTS

ON 2/24/23 THIS COURT ENTERED TWO ORDERS. FIRST TO GRANT MR RICO-TORRES MOTION TO PROCEED IN FORMA PAUPERIS AND SECOND DISMISSING THE COMPLAINT WITHOUT PREJUDICE. MR RICO-TORRES SUBMITTED A REQUEST FOR VOLUNTARY DISMISSAL A MONTH BEFORE THIS ORDER. HIS MOTION WAS PLACED IN THE HAND OF MS GARCIA WHO WAS THE LAW LIBRARY SUPERVISOR AT THE TIME. MR RICO-TORRES HAD BELIEF THAT SHE HAD IN FACT FILED IT AND HIS CASE WAS IN FACT DISMISSED. MR RICO-TORRES SHOULD NOT BE CHARGED A FEE AS THE NEGLIGENCE OF MS GARCIA CAUSED THIS ISSUE. MR RICO-TORRES ASKS FOR THIS TO BE GRANTED IN THE INTEREST OF JUSTICE AND FAIRNESS

**ORDER**

- IT IS ORDERED that ECF No. 12 is GRANTED. The Court gives Plaintiff the benefit of the doubt that he submitted a motion to dismiss to the law library before the Court granted his IFP application. Accordingly, the Court will vacate the portion of its order at ECF No. 9 granting Plaintiff's IFP application and ordering him to pay the filing fee. See ECF No. 9 at 3. The Clerk will send a copy of this order to the attention of Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.
- IT IS FURTHER RECOMMENDED that this case be dismissed, based on Plaintiff's representation that he attempted to file a motion to dismiss this action.

IT IS SO ORDERED

DATED: 4:41 pm, March 15, 2023

*Brenda Weksler*

BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE